

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 464 of 1998

in

SPECIAL CIVIL APPLICATION No 7843 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

DEVENDRA M MAKWANA

Versus

STATE OF GUJARAT

Appearance:

MR HARIN P RAVAL for Appellant

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 20/04/98

ORAL JUDGEMENT

The appellant who is working as a Regional Transport Officer is seeking promotion to the post of

Joint Director. He filed Special Civil Application alleging that he is entitled to get such promotion and the respondents are purposefully delaying the promotion. By way of interim relief it is claimed that the respondents shall be directed to promote the appellant to the post of Joint Director. The learned Counsel for the Government submitted before the learned Single Judge that as and when the post of Joint Director is to be filled up, the case of all incumbents including the appellant will be considered provided the appellant falls within the zone of consideration. In view of that statement, the learned Single Judge declined to grant the interim relief sought for. That order of the learned Single Judge dated 16-3-1998 is under challenge before us.

We have heard the learned Counsel for the petitioner. The learned Counsel for the petitioner submitted that the petitioner is entitled to get promotion as Joint Director. It is submitted that he was selected in 1997 but the authorities refused to appoint him to the post to which he was selected and the appellant was constrained to file a Special Civil Application. Pursuant to the direction passed in Spl.Civil Application, the appellant was appointed in 1980. It is alleged that still the authorities are declining to grant promotion. It is also alleged that the Departmental Promotion Committee is not being constituted for taking up case of promotions.

The appellant is seeking a positive direction for promotion. The learned Single Judge recorded the statement of the learned Government Counsel and disposed of the interim Spl.Civil Application. It was submitted by the learned Counsel that the appellant's case could be considered if he falls within the zone of consideration. We do not think that such an interim order is liable to be interfered with. It may also be noted that the learned Single Judge also stated that the hearing of Spl.Civil Application would be expedited.

Having regard to the facts of this case, we do not find any merit in this appeal and the same is dismissed without prejudice to the appellant's right to file any other application.

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